

CONGRESSIONAL RECORD SUMMARY

Tuesday, March 13, 2001

SENATE

Measures Introduced:

S. 518. A bill *to amend the Public Health Service Act* to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence; to the Committee on Health, Education, Labor, and Pensions.

Boxer

Pages S 2218, S 2220

S. 526. A bill *to amend title 49, United States Code*, to provide that rail agreements and transactions subject to approval by the Surface Transportation Board are no longer exempt from the application of the antitrust laws, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Dorgan

Pages S 2219, S 2228

S. J. Res. 7. A joint resolution *proposing an amendment to the Constitution of the United States* authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

Hatch

Pages S 2219, S 2228-31

S. 420. Bankruptcy Reform:

Senate continued consideration of S. 420, to amend title 11, United States Code, taking action on the following amendments proposed thereto:

Pages S 2172-80, S 2184-S 2214, D 202

*"...This amendment addressed just a single area where the Federal Government, here, the **Bankruptcy Courts**, holds significant amounts of highly personal information, which is freely available for any person for any reason to access and use. The manner in which all three branches of the Federal Government, the Federal agencies, the Congress and the **Judiciary**, protect the privacy of personal information that Americans are required to divulge to the government, is an important area that needs our attention. I thank the Chairman of the Judiciary Committee for agreeing to work with me on addressing the problem in a more comprehensive manner..." (Leahy, page S 2213)*

"...I certainly share your concerns regarding the privacy implications of government actions. I should note that I understand the Judicial Conference is also looking at this issue, but it is clearly one that we must oversee as it raises important policy issues, as well as important First Amendment and Fourth Amendment concerns. In the bankruptcy context, I should state that I believe it is critical that a delicate balance be established between the privacy interest of the debtor who seeks to take the privilege afforded under our bankruptcy laws, and the need in the case of bankruptcies for creditors whose debts are being extinguished, as well as those who enforce against fraud in our bankruptcy system, to obtain information about the debtor and the bankruptcy case..." (Hatch, page S 2213)

Adopted:

Schumer/Sarbanes Modified Amendment No. 25, to provide for the preservation of claims and defenses upon the sale of certain predatory loans. (By 44 yeas to 55 nays, 1 responding present (Vote No. 24), Senate earlier failed to table the amendment.)

Pages S 2172, S 2188-92, S 2196, D 202

S. 420. Bankruptcy Reform (Cont'd.):

Rejected:

Feinstein Modified Amendment No. 27, to place a \$2,500 cap on any credit card issued to a minor, unless the minor submits an application with the signature of his parents or guardian indicating joint liability for debt or the minor submits financial information indicating an independent means or an ability to repay the debt that the card accrues. (By 55 yeas to 42 nays, 1 responding present (Vote No. 20), Senate tabled the amendment.)

Pages S 2172, S 2178, S 2179, D 202

Kennedy Amendment No. 39, to remove the dollar limitation on retirement savings protected in bankruptcy. (By 61 yeas to 37 nays, 1 responding present (Vote No. 21), Senate tabled the amendment.)

Pages S 2173, S 2178-9, S 2179-80, D 202

Dodd/Kennedy Amendment No. 75, to impose upon credit card issuers, prior to granting credit to anyone under the age of 21, the requirement of an applicant to obtain either a cosignature by a parent or a guardian, or an independent means of financial support of paying off the amount of credit that's offered, or the completion of a credit counseling course. (By 58 yeas to 41 nays, 1 responding present (Vote No. 25), Senate tabled the amendment.)

Pages S 2192-6, D 202

Pending:

Leahy Amendment No. 20, to resolve an ambiguity relating to the definition of current monthly income.

Pages S 2172, D 202

Wellstone Amendment No. 35, to clarify the duties of a debtor who is the plan administrator of an employee benefit plan.

Pages S 2172, D 202

Wellstone Modified Amendment No. 36, to disallow certain claims and prohibit coercive debt collection practices.

Pages S 2172, S 2209, D 202

Kennedy Amendment No. 38, to allow for reasonable medical expenses.

Pages S 2173, D 202

Collins Amendment No. 16, to provide family fishermen with the same kind of protections and terms as granted to family farmers under chapter 12 of the bankruptcy laws.

Pages S 2173, D 202

Leahy Amendment No. 41, to protect the identify of minor children in bankruptcy proceedings.

Pages S 2173, D 202

Wyden Amendment No. 78, to provide for the nondischargeability of debts arising from the exchange of electric energy.

Pages S 2196-8, S 2199, S 2209-12, D 202

Carnahan Amendment No. 40, to ensure additional expenses associated with home energy costs are included in the debtor's monthly expenses.

Pages S 2198-9, D 202

Smith (OR) Amendment No. 95 (to Amendment No. 78), of a perfecting nature.

Pages S 2199-S 2208, D 202

Reid (for Durbin) Amendment No. 93, in the nature of a substitute.

Page S 2208, D 202

Reid (for Breaux) Amendment No. 94, to provide for the reissuance of a rule relating to ergonomics.

Pages S 2208-9, D 202

S. 420. Bankruptcy Reform (Cont'd.):

Amendments Submitted And Proposed.

See Page S 2253: **SEC. 322. BANKRUPTCY JUDGESHIPS (Part of SA 93 as submitted by Senator Durbin)**

During consideration of this measure today, Senate also took the following actions:

By 53 yeas to 47 nays (Vote No. 22), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of *Conrad Modified Amendment No. 29*, to establish an off-budget lockbox to strengthen Social Security and Medicare. *Subsequently, a point of order that the amendment violates section 306 of the Congressional Budget Act was sustained, and the amendment thus fell.*

Pages S 2172-8, S 2184-7, S 2188, D 203

By 52 yeas to 48 nays (Vote No. 23), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of *Sessions Amendment No. 32*, to establish a procedure to safeguard the surpluses of the Social Security and Medicare hospital insurance trust funds. *Subsequently, a point of order that the amendment violates section 306 of the Congressional Budget Act was sustained, and the amendment thus fell.*

Pages S 2172, S 2187-8, D 203

A unanimous-consent agreement was reached providing for votes to occur with respect to *Carnahan Amendment No. 40, Smith (OR) Amendment No. 95 (to Amendment No. 78), and Wyden Amendment No. 78 (all listed above)*, beginning at approximately 10:45 a.m., on Wednesday, March 14, 2001. Further, that following the votes, the Senate resume consideration of *Wellstone Modified Amendment No. 36*, and that the cloture vote be postponed to occur at 4 p.m.

Pages S 2201, D 203

Committee Meetings:

Committee on Finance: Committee held hearings on issues relative to living without health insurance and identifying populations that make up the uninsured and their unique characteristics, including age, ethnicity, employment status, and geographic location, that cause them to go without health coverage.

Committee on the Judiciary: Committee concluded hearings on **S. 487**, to amend chapter 1 of title 17, United States Code, relating to the exemption of certain performances or displays for educational uses from copyright infringement provisions, to provide that the making of a single copy of such performances or displays is not an infringement.

Page D 204

Committee Meetings For Wednesday, March 14, 2001:

Committee on the Budget: @ 10:00 a.m. To resume hearings to examine the President's proposed budget request for fiscal year 2002. SD-608.

Committee on Commerce, Science, and Transportation: @ 9:30 a.m. To hold hearings on whether Congress should allow states to require all remote sellers to collect and remit sales taxes on deliveries into that state, provided that states and localities dramatically simplify their sales and use tax systems. SR-253.

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Committee Meetings For Wednesday, March 14, 2001 (Cont'd.):

Committee on Energy and Natural Resources: @ 9:30 a.m. Business meeting to consider **S. 507**, to implement further the Act (Public Law 94-241) *approving the covenant to establish a commonwealth of*

the Northern Mariana Islands in Political Union with the United States of America;. SD-628.

Page D 206

Committee on the Judiciary: @ 10:00 a.m. To hold hearings to examine drug treatment, education, and prevention programs. SD-226.

Committee on Rules and Administration: @ 9:30 a.m. To hold hearings on election reform issues. SR-301.

Page D 207

Remark:

Retirement Of The Honorable Brett Dorian.

"...In 1988, Judge Dorian was appointed to the United States Bankruptcy Court in Fresno. He served as a Bankruptcy Judge for almost 12 years. Judge Dorian served an eight county area in Central California. Judge Dorian has long been known as a thorough, dedicated and compassionate judge. Throughout his judicial career, he was diligent in carefully balancing the law in his cases and protecting the rights of those who appear before him..."

Boxer

Page S 2216

HOUSE

Bills Introduced:

H.R. 981. A bill *to provide a biennial budget for the United States Government;* to the Committee on the Budget, and in addition to the Committees on Rules, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Bass

Page H 875

H.R. 988. A bill *to designate the United States courthouse located at 40 Centre Street in New York, New York, as the "Thurgood Marshall United States Courthouse;"* to the Committee on Transportation and Infrastructure.

Engel

Page H 875

H.R. 993. A bill *to improve the prevention and punishment of criminal smuggling, transporting, and harboring of aliens,* and for other purposes; to the Committee on the Judiciary.

Keller

Page H 875

H.R. 998. A bill *to reduce gun trafficking by prohibiting bulk purchases of handguns;* to the Committee on the Judiciary.

Payne

Page H 876

Bills Introduced (Cont'd.):

H.R. 999. A bill *to strengthen the standards by which the Surface Transportation Board reviews railroad mergers, and to apply the Federal antitrust laws to rail carriers and railroad transportation;* to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for

a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Pomeroy

Page H 876

H.R. 1001. A bill to amend title XIX of the Social Security Act to make optional the requirement that a State seek adjustment or recovery from an individuals's estate of any medical assistance correctly paid on behalf of the individual under the State Medicaid plan; to the Committee on Energy and Commerce.

Rahall

Page H 876

H.R. 1005. A bill *to amend the Communications Act of 1934* to require that violent video programming is limited to broadcast after the hours when children are reasonably likely to comprise a substantial portion of the audience, unless it is specifically rated on the basis of its violent content so that it is blockable by electronic means specifically on the basis of that content; to the Committee on Energy and Commerce.

Shows

Page H 876

H.R. 1007. *A bill to limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies;* to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Stupak

Page H 876

H.R. 1012. A bill *to amend the Internal Revenue Code of 1986 to allow a credit against income tax for expenses incurred in teleworking;* to the Committee on Ways and Means.

Wolf

Page H 876

H.J. Res. 36. A joint resolution *proposing an amendment to the Constitution of the United States* authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

Cunningham

Page H 876-7

H.J. Res. 37. A joint resolution *proposing an amendment to the Constitution of the United States* to provide for the appointment and voting, by congressional district, of electors for the election of President and Vice President, and to provide procedures for electing the President and Vice President if no candidate receives a majority of electoral votes; to the Committee on the Judiciary.

Clement

Page H 877

Report Filed:

Report was filed today as follows:

H.R. 741, to amend the Trademark Act of 1946 to provide for the registration and protection of trademarks used in commerce, in order to carry out provisions of certain international conventions (House Report 107-19).

Pages H 874, D 204

James Madison Commemoration Commission:

Read letters from the Minority Leader wherein he announced his appointment of *Representative Rick Boucher* of Virginia, *Representative Jim Moran* of Virginia, *Dr. James Billington* of Virginia, and *Mr. Theodore A. McKee* of Pennsylvania to the James Madison Commemoration Commission.

Pages H 837, D 205

Coordinating Council on Juvenile Justice and Delinquency Prevention:

The Chair announced the Speaker's appointment of *Mr. Michael J. Mahoney* of Chicago, Illinois to the Coordinating Council on Juvenile Justice and Delinquency Prevention.

Pages H 852, D 205

Consideration of Suspensions on Wednesday, March 14:

Agreed that it be in order at any time on the legislative day of Wednesday, March 14, 2001, for the Speaker to entertain motions to suspend the rules relating to the following measures:

H.R. 809, Antitrust Technical Corrections; **H.R. 860**, *Multidistrict, Multiparty, Multiforum Trial Jurisdiction*; **H.R. 861**, *Domestic and International Arbitration Technical Amendments*; **S. 320**, Intellectual Property and High Technology Technical Amendments; **H.R. 741**, Madrid Protocol Implementation.

Pages H 854, D 205

Committee Meeting:

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on World Trade Threats.

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Committee Meetings For Wednesday, March 14, 2001:

Committee on the Judiciary, @ 10:00 a.m. Subcommittee on Immigration and Claims, to consider Rules of Procedure for Private Immigration Bills and Private Claims Bills and Policy on Federal Charters and to act on Private Bills. 2141 Rayburn.

Committee on Rules, @ 2:00 p.m. To consider the following: **H.R. 327**, Small Business Paperwork Relief Act. H-313 Capitol.

Remarks:

Condemning Heinous Atrocities That Occurred At Santana High School, Santee California.

(Juvenile Justice Legislation Discussed)

Castle

Pages H 838-45

Massive Immigration Into The United States Must Be Stopped.

Tancredo

Page H 857

Patients' Bill Of Rights, Patient Protections, And HMO Reform.

Ganske

Pages H 870-4

Remarks (Cont'd.):

Introduction Of Flag Protection Amendment. (H.J. Res. 36)

"...This measure is identical to H.J. Res. 33, which I sponsored in the last session of Congress, and language previously adopted by the House. It is necessary to restore protections for the symbol of our nation and all its honored traditions, which were sadly wiped away in the 1989 Supreme Court ruling on Texas v. Johnson..."

Cunningham

Page E 339

Introduction Of The Telework Tax Incentive Act. **(H.R. 1012)**
Wolf Pages E 341-2

Introducing The Medicaid Estate Recovery Amendment. (H.R. 1001)

*"...As a result of the government's mandate, my State enacted the law that would allow the State to practice estate recovery against helpless home owners who happened to be too poor to pay for their own end-of-life care. In protest, the State law as enacted directed West Virginia's State Attorney General to file a lawsuit in **federal court**, claiming that the mandatory selling of people's homes was a violation of the 10th Amendment of the Constitution. The State's lawsuit is still pending..."*

Rahall Page E 345

James Guelff Body Armor Act Of 2001. **(H.R. 1007)**
Stupak Page E 346

Introduction Of The Rail Merger Reform And Customer Protection Act. (H.R. 999)

"...the railroad industry is the only industry, except for America's favorite pastime, baseball, that is almost entirely exempt from the substance of the antitrust laws. With the rail industry now consolidated to seven major railroads, and the stage set for a possible final consolidation, there is an increased potential for the rail industry to exercise market power and monopoly abuse against shippers. In order to protect shippers and promote true competition, it makes sense to treat the railroads like other industries and subject them to the jurisdiction of the Department of Justice and full application of antitrust laws..."

Pomeroy Page E 350

Next SENATE MEETING: Wednesday, 9:30 a.m., March 14, 2001.

Next HOUSE MEETING: Wednesday, 10:00 a.m., March 14, 2001.

OLA: S. Schwarz (Smith), J. Homanich